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Planning Commission Staff Report

TO: PLANNING COMMISSION

FROM: JORDAN FELD, AICP, SENIOR PLANNER
(480) 503-6748, JORDAN.FELD@GILBERTAZ.GOV

THROUGH: CATHERINE LORBEER AICP, PRINCIPAL PLANNER
(480) 503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV

MEETING DATE: SEPTEMBER 3, 2014

SUBJECT:

- A. GP14-08, WHITFILL NURSERY: REQUEST FOR MINOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION OF APPROXIMATELY 2.2 ACRES OF REAL PROPERTY GENERALLY LOCATED NORTHWEST OF THE NORTHWEST CORNER OF COOPER ROAD AND GUADALUPE ROAD FROM RESIDENTIAL > 0-1 DU/ACRE TO GENERAL COMMERCIAL (GC).**
- B. Z14-18, WHITFILL NURSERY: REQUEST TO REZONE APPROXIMATELY 2.2 ACRES OF REAL PROPERTY GENERALLY LOCATED NORTHWEST OF THE NORTHWEST CORNER OF COOPER ROAD AND GUADALUPE ROAD FROM SINGLE FAMILY-35 (SF-35) ZONING DISTRICT TO GENERAL COMMERCIAL (GC) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.**

STRATEGIC INITIATIVE: Community Livability

The Town's Community Livability Strategic Initiative emphasizes the importance of promoting growth while retaining its defining characteristics; the requested actions further this initiative by bringing a successful and existing business enterprise into policy and zoning conformance.

RECOMMENDED MOTION

- A. MOVE TO RECOMMEND TO TOWN COUNCIL APPROVAL OF GP14-08 A MINOR GENERAL PLAN AMENDMENT; AND**
- B. FOR THE REASONS SET FORTH IN THE STAFF REPORT, MOVE TO RECOMMEND APPROVAL TO THE TOWN COUNCIL FOR Z14-18, AS REQUESTED, SUBJECT TO THE CONDITIONS LISTED IN THE STAFF REPORT.**

APPLICANT/OWNER

| | | | |
|----------|---|----------|--|
| Company: | Hilgart Wilson | Company: | Whitfill Nursery |
| Name: | Toni Bonar | Name: | Brian Blake |
| Address: | 2141 E Highland Ave #250 Phoenix, AZ 85016 | Address: | 2647 E Southern Ave Phoenix, AZ 85040 |
| Phone: | 602-490-0535 | Phone: | 602-430-3980 |
| Email: | tbonar@hilgartwilson.com | Email: | brian@whitfillnursery.com |

BACKGROUND/DISCUSSION

History

| Date | Description |
|-----------------------|--|
| <i>June 5, 1984</i> | Town Council adopted Annexation No. A83-2, Ordinance No. 377. |
| <i>August 6, 2014</i> | The Planning Commission discussed the item during Study Session. |

Overview

The subject property, composed of Assessor's Parcel Numbers 302-12-024A and 302-12-024B, is approximately 2.2 acres and located northwest of northwest corner of Cooper Road and Guadalupe Road. The property functionally supports and is generally considered integral to the business enterprise, Whitfill Nursery, primarily conducted on property immediately south of the subject site. The property is owned by Silver Canyon Nurseries, the parent organization of Whitfill. Since the subject site's annexation into the Town in 1985 the property has been rezoned to R1-43 and the current SF-35 as part of Town-wide Land Development Code (LDC) updates.

As mentioned, the property has supported business operations of Whitfill Nursery for many years through its use as a nursery, cultivation and display of plants for retail purposes, open equipment storage and stockpiling, and caretaker's quarters (via the single family residential structure on APN 302-12-24A). Under the LDC, Garden Supply Stores and Plant Nurseries are prohibited in the SF-35 zoning district. Accordingly, this non-conforming utilization has been the source of several enforcement actions by the Town including court adjudications stemming from case filings in 2008 and 2010 as well as an ongoing enforcement action.

The owner of the property and Town recently negotiated a schedule for corrective actions bringing the subject property into zoning conformance. The Town's Capital Improvement Project No. ST094 affects the subject property as well as the property immediately to the south as the CIP project includes temporary and permanent right-of-way (ROW) needs on both properties. These improvements will enhance access to the property. Even without roadway improvements, the General Plan amendment and rezoning applications are required for the existing commercial use on the property to continue.

The existing single family residence on APN 302-12-24A, currently used for caretaker's quarters, will be demolished by the applicant. The parcel immediately north of APN 302-12-24A is also owned by the subject property's owner; it is the owner's intent ultimately to request a use permit on this northern parcel to allow for the construction of a second dwelling unit and eventually that parcel will house two separate residences. Both the existing residence and potential second dwelling unit will derive access through cross-access agreement via the existing private drive on APN 302-12-24A. A new point of access with the CIP project will be shared by the commercial use and the residential use.

Surrounding Land Use & Zoning Designations:

| | Existing Land Use Classification | Existing Zoning |
|-------|---|--------------------------|
| North | Residential >0-1 DU/Acre | Single Family-35 (SF-35) |
| South | Neighborhood Commercial | General Commercial (GC) |
| East | Residential 3.5-5 DU/Acre | Single Family-7 (SF-7) |
| West | Residential >0-1 DU/Acre | Single Family-35 (SF-35) |
| Site | Residential >0-1 DU/Acre | Single Family-35 (SF-35) |

General Plan

GP14-08 requests a Minor General Plan Amendment to change the land use classification on the property from Residential >0-1 DU/Acre to General Commercial (GC).

Compliance with the General Plan

Chapter 2, Goal 1.0, Promote Gilbert as a community in which to live, work and plan. Policy 1.2 – Create neighborhoods with an identity that complement Gilbert's heritage and connect to the broader community. Whitfill Nursery provides a connection with Gilbert's agrarian heritage while providing a valuable specialty service for the community.

Chapter 2, Goal 5.0, Promote commercial, retail, and employment land uses that are compatible with adjacent land uses and meet economic goals. Policy 5.3 – Locate commercial and retail uses adjacent to residential uses in appropriate intensities to serve local, community and regional markets. Whitfill Nursery blends well with its adjacent large lot residential while serving a larger regional market.

Chapter 12, Goal 1.0, Promote preservation and maintenance of property; improve appearance with landscape and design. Policy 1.5 - Infill development should respect the existing character of the neighborhood while providing an enhancement to the neighborhood. The residential neighborhood adjacent to the Whitfill Nursery is large lot. Landscape and Building setbacks on the commercial parcel need to provide adequate separation to ensure compatibility over time.

Chapter 12, Goal 4.0, Maintain positive neighborhood image throughout Gilbert. Policy 4.5 – Encourage neighborhoods and businesses to reinvest in frontage, façade, signage and general improvements as well as regular general maintenance. Whitfill Nursery will be investing in the frontage, façade, and other general improvements related to the improvement of access to the site and the adjacent right-of-way enhancements.

Policy 4.8 – Promote and enforce retrofitting of unsafe property conditions. The PAD will allow for a cross-access agreement to the residential property north of the subject parcels and eliminate the individual residential driveway connection to Cooper Road; this redesign promotes greater vehicular and pedestrian safety.

Rezoning

Z14-18 requests to rezone the property from Single Family–35 (SF-35) to General Commercial (GC) with a Planned Area Development District (PAD) Overlay. Nursery is allowed by right in the GC district. The PAD request reflects the owner’s desire to maximize utilization of the subject property for nursery-related operations (cultivation and display) while attempting to maintain compatibility with the surrounding large-lot residential community. The specific deviations contemplated by the request are outlined below.

| <i>Base Standards</i> | <i>GC Zoning</i> | <i>PAD Deviation</i> | <i>Staff Analysis</i> |
|---|-------------------------|-----------------------------|--|
| Bldg. Sideyard Setback (Non-Residential) | 20’ | 0’ | No concern as these are internal setbacks on the commercial property; the proposed building setback between the subject and the nursery operation is acceptable. |
| Landscape Sideyard (Residential) | 40’ | 0’ | The northwest corner of APN 302-12-24A and the northern and western property lines of APN 302-12-24B abut residential property; complete removal of a buffering requirement is not acceptable. |
| Landscape Rearyard (Residential) | 40’ | 0’ | |

| <i>Additional Standards</i> | <i>PAD Deviation</i> | <i>Staff Analysis</i> |
|---|---|---|
| Commercial activity occurring within 50 feet of property designated for residential use in the General Plan shall be conducted within an enclosed building. (2.304.B) | Commercial activity occurring within 50 feet of property designated for residential use in the General Plan is not required to be conducted within an enclosed building. | Complete removal of this requirement is not appropriate without some limitations to ensure continued compatibility with adjacent residential property. More intense future commercial activity is unknown at this time, therefore this additional standard should stay in place. |
| Use of commercially zoned property to provide primary vehicular access to a residential use is prohibited. (2.306.G) | Use of commercially zoned property to provide primary vehicular access to a residential use is PERMITTED. | In this specific application, the deviation will promote a safer condition; the deviation requires the grant of a cross-access agreement. The nature of the access and residents' relationship to the nursery operations additionally warrants the deviation. |
| Where commercial property abuts a residential property, a solid separation 8' screen wall must be provided at the property line (4.109.B) | Allow for the existing horse rail fencing and adjacent 'Sour Orange' hedge to satisfy the intent of this requirement | The existing Garden Nursery user provides sufficient visual screening along the northern boundary of the property; however, the western boundary lacks sufficient visual screening and both property boundaries abutting residential do not have sufficient security screening. The deletion of the requirement for a solid separation fence is not supported as future intense users in the GC zoning district would impact the livability of adjacent residential properties. |

Summary

Staff supports the deviations to eliminate internal setbacks and permit access to residential through commercial. Staff does not support the request to eliminate the landscape setback, allow commercial activity within 50 feet, and eliminate the 8' solid separation fence. Staff is working with the applicant to submit a Variance request to address these three deviations as they are specific to the Garden Nursery user, a unique shaped parcel, unique access, relationship to the Railroad, and location of homes on the existing residential properties.

PUBLIC NOTIFICATION AND INPUT

A notice of public hearing was published in a newspaper of general circulation in the Town, and an official notice was posted in all the required public places within the Town.

A neighborhood meeting was held on May 12, 2014. Five residents adjacent to the property or living within close proximity attended. Concerns were voiced over compatibility between adjacent residential properties and the nursery operations. One adjacent resident provided a comment form detailing their desire that all development standards in place for commercial to residential compatibility not be modified.

PROPOSITION 207

An agreement to “Waive Claims for Diminution in Value” Pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

REASONS FOR THE RECOMMENDATION

1. The proposed zoning amendment conforms to the General Plan as amended, any applicable Specific Area Plan, neighborhood, or other plan and any overlay zoning district.
2. All required public notice has been conducted in accordance with applicable state and local laws.
3. All required public meetings and hearings have been held in accordance with applicable state and local laws.
4. The proposed rezoning supports the Town’s strategic initiative for Community Livability. It supports the motto “Gilbert: Clean, Safe, Vibrant.”

STAFF RECOMMENDATION

- A. Recommend to the Town Council approval of GP14-08, to change the land use classification of approximately 2.2 acres of real property generally located northwest of the northwest corner of Cooper Road and Guadalupe Road from Residential > 0-1 DU/Acres to General Commercial (GC) land use classification; and
- B. For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval to the Town Council for Z14-18 rezoning of approximately 2.2 acres of real property generally located northwest of the northwest corner of Cooper Road and Guadalupe Road from Single Family-35 (SF-35) zoning district to General Commercial (GC) zoning district with a Planned Area Development (PAD) overlay, subject to the following conditions:

1. Cross-access agreement between subject property APN 302-12-024A and the residential property immediately north (APN-302-12-028) shall be executed for primary access to the residential property.
2. That development shall comply with the Town of Gilbert Land Development Code, except as modified by the following:

| <i>Base Standards</i> | <i>GC Zoning</i> | <i>PAD Deviation</i> |
|--|---|----------------------|
| Bldg. Sideyard Setback (Non-Residential) | 20' | 0' |
| <i>Additional Standards</i> | <i>PAD Deviation</i> | |
| Use of commercially zoned property to provide primary vehicular access to a residential use is prohibited. (2.306.G) | Use of commercially zoned property to provide primary vehicular access to a residential use is PERMITTED. | |

Respectfully submitted,



Jordan Feld, AICP
Senior Planner

Attachments:

| | |
|--------------|--------------------------|
| Attachment 1 | Notice of Public Hearing |
| Attachment 2 | Vicinity Map |
| Attachment 3 | Aerial Photo |
| Attachment 4 | General Plan Exhibit |
| Attachment 5 | Zoning Exhibit |
| Attachment 6 | Development Plan |

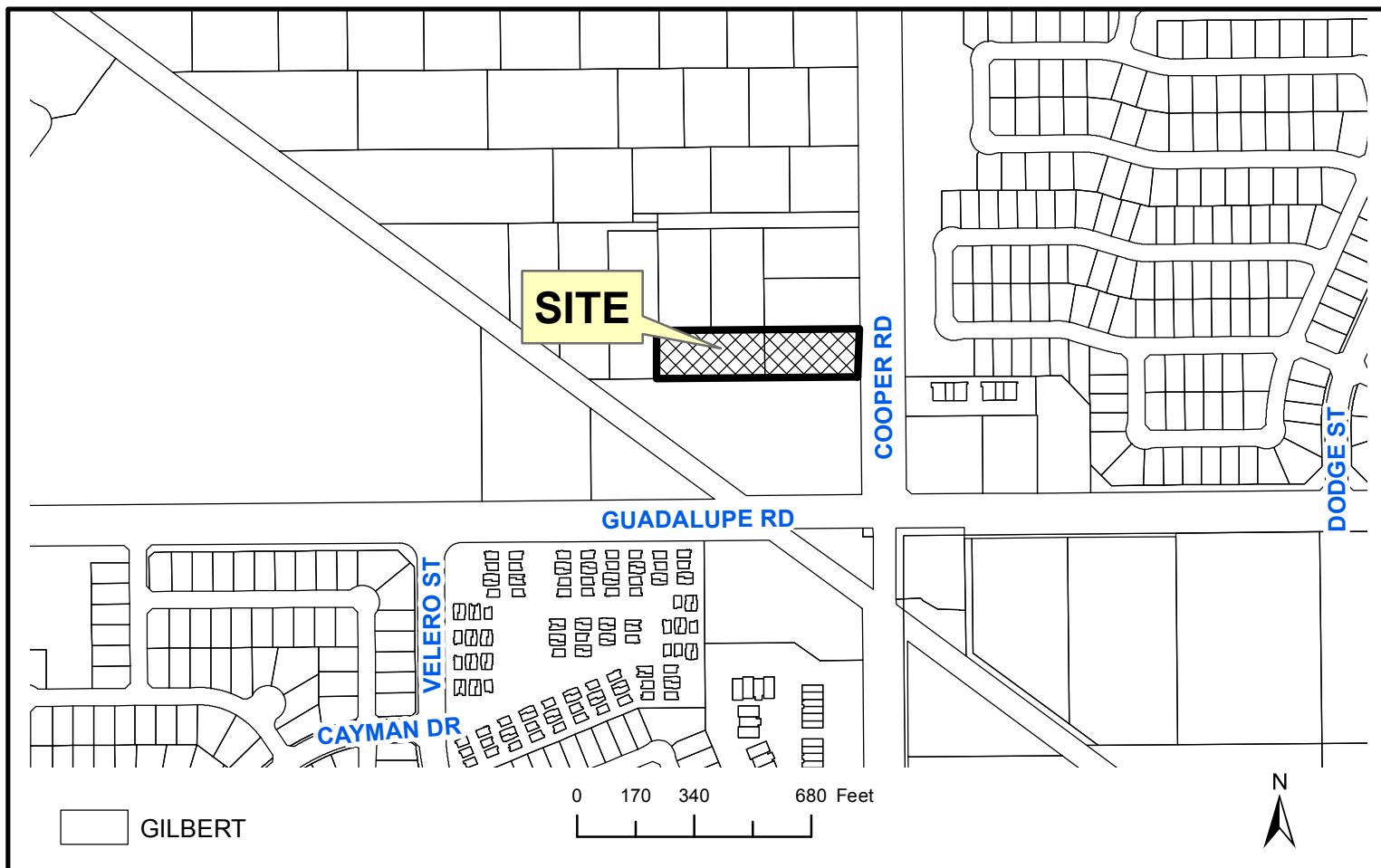
Notice of Public Hearing

PLANNING COMMISSION DATE:**Wednesday, September 3, 2014* TIME: 6:00 PM****TOWN COUNCIL DATE:****Thursday, October 16, 2014* TIME: 5:00 PM****LOCATION: Gilbert Municipal Center, Council Chambers****50 E. Civic Center Drive***** Call Planning Department to verify date and time: (480) 503-6700****REQUESTED ACTION:**

GP14-08: Request for Minor General Plan Amendment to change the land use classification of approximately 2.2 acres of real property generally located north of the northwest corner of Guadalupe Road and Cooper Road from Residential >0-1du/ac land use classification to General Commercial land use classification. The effect of this amendment will be to change the plan of development for the property to allow continued commercial use.

Z14-18: Request to rezone approximately 2.2 acres of real property generally located north of the northwest corner of Guadalupe Road and Cooper Road from Single Family-35 (SF-35) zoning district to General Commercial (GC) zoning district with a Planned Area Development Overlay zoning district to modify requirements related to minimum building setbacks, minimum landscape areas, commercial activity enclosure, vehicular access and screening. The effect of the rezoning will be to allow continued commercial use.

* The application is available for public review at the Town of Gilbert Development Services division Monday - Thursday 7 a.m. - 6 p.m. Staff reports are available the Monday prior to the meeting at <http://www.gilbertaz.gov/departments/development-services/planning-development/planning-commission>

SITE LOCATION:

APPLICANT: Hilgartwilson
CONTACT: Toni Bonar, AICP
ADDRESS: 2141 E. Highland Ave., Suite 250
 Phoenix, AZ 85016

TELEPHONE: (602) 490-0535 x118
E-MAIL: tbonar@hilgartwilson.com

Z14-18

Vicinity Map

SITE LOCATION:

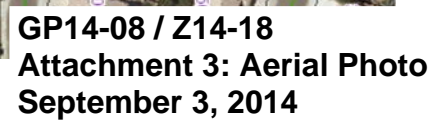


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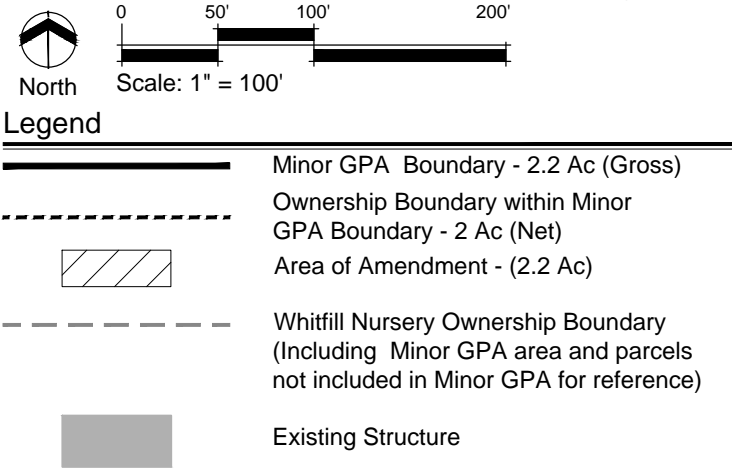




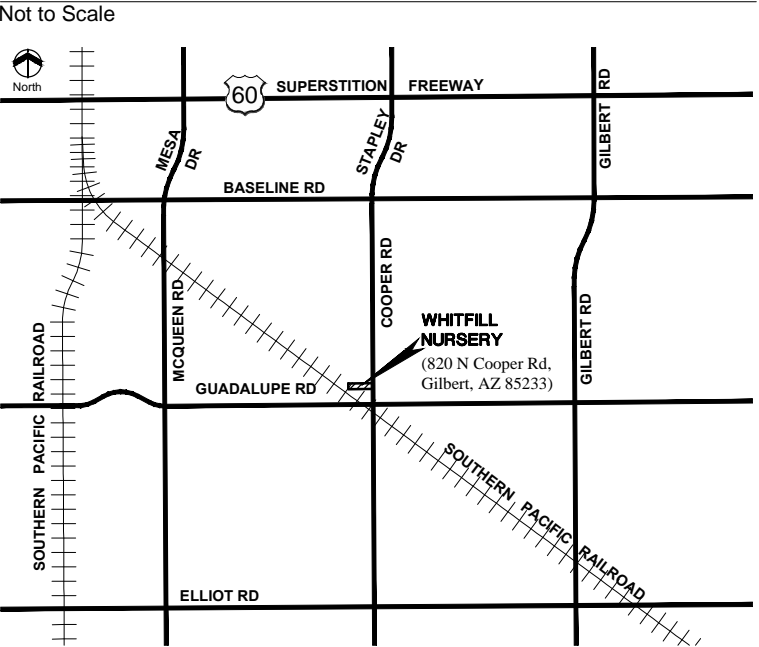
WHITFILL
NURSERY

Gilbert, Arizona
MINOR GENERAL PLAN AMENDMENT
LAND USE EXHIBIT

Figure 2

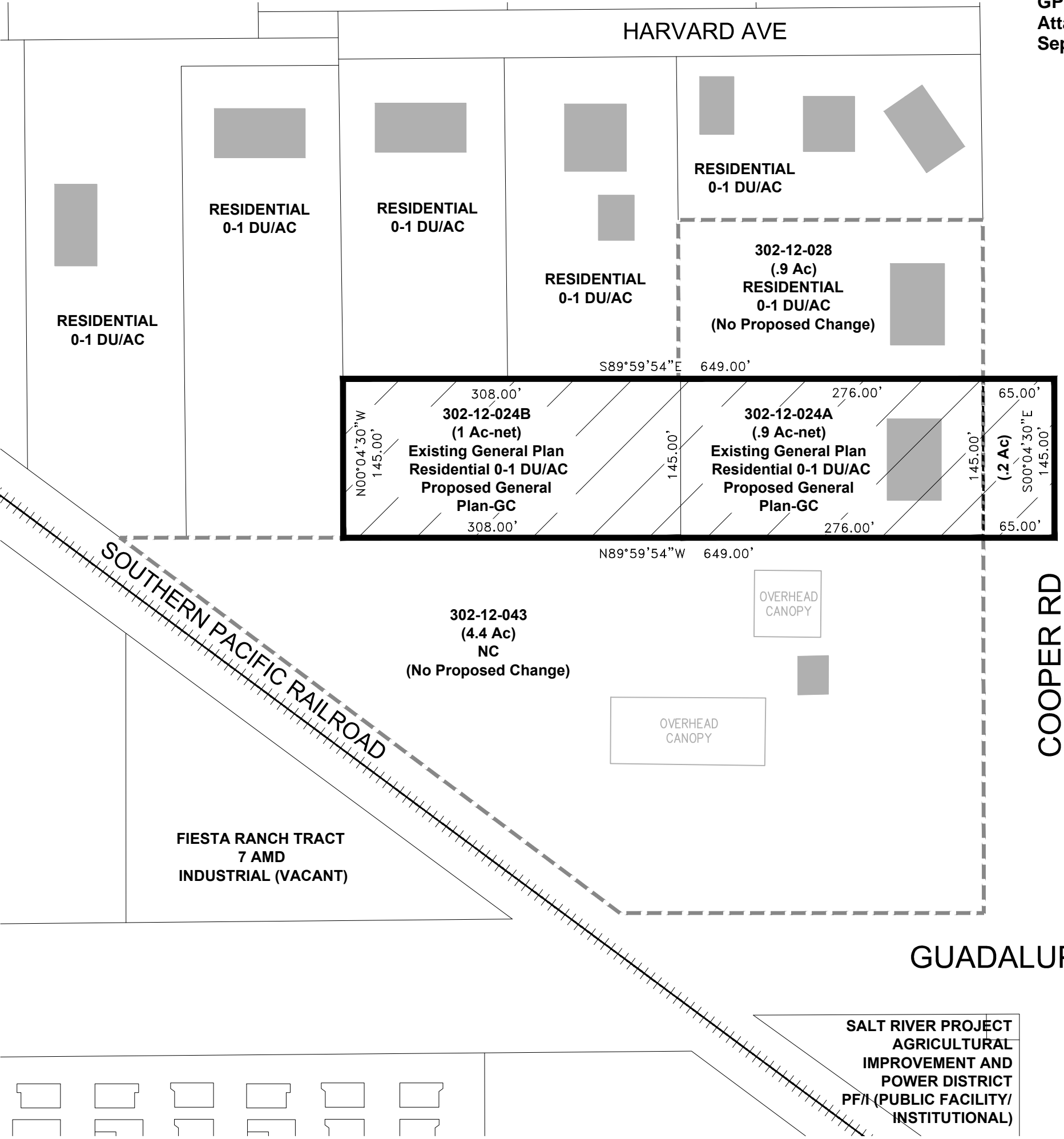


Vicinity Map



Notes

- There are no public streets within the net parcel.
- This exhibit is conceptual and subject to change through the design and development process.

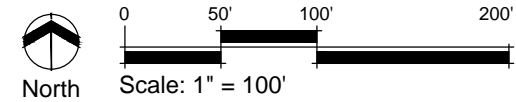


WHITFILL
NURSERY

Gilbert, Arizona
PLANNED AREA DEVELOPMENT

ZONING EXHIBIT

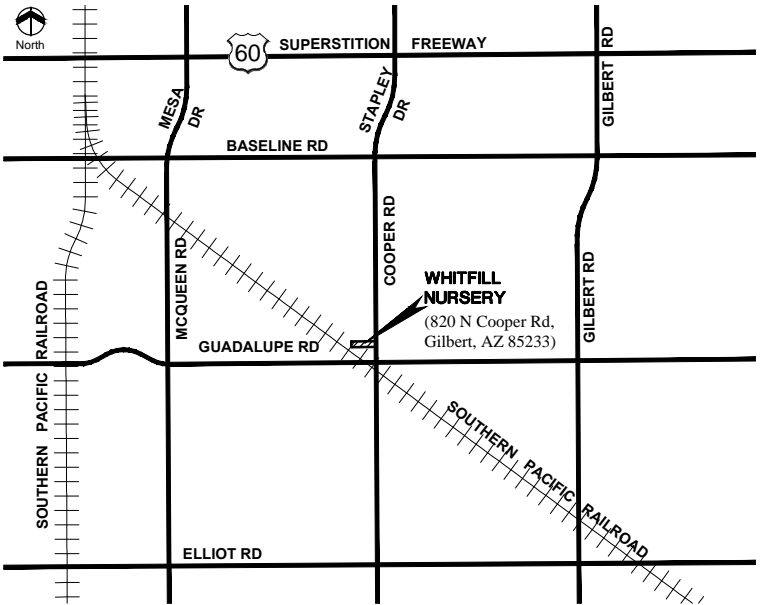
Figure 2



| Legend | |
|--------|--|
| | PAD Boundary - 2.2 Ac (Gross) |
| | Ownership Boundary within PAD Boundary - 2 Ac (Net) |
| | Area of Amendment - (2.2 Ac) |
| | Whitfill Nursery Ownership Boundary (Including PAD area and parcels not included in PAD for reference) |
| | Existing Structure |

Vicinity Map

Not to Scale



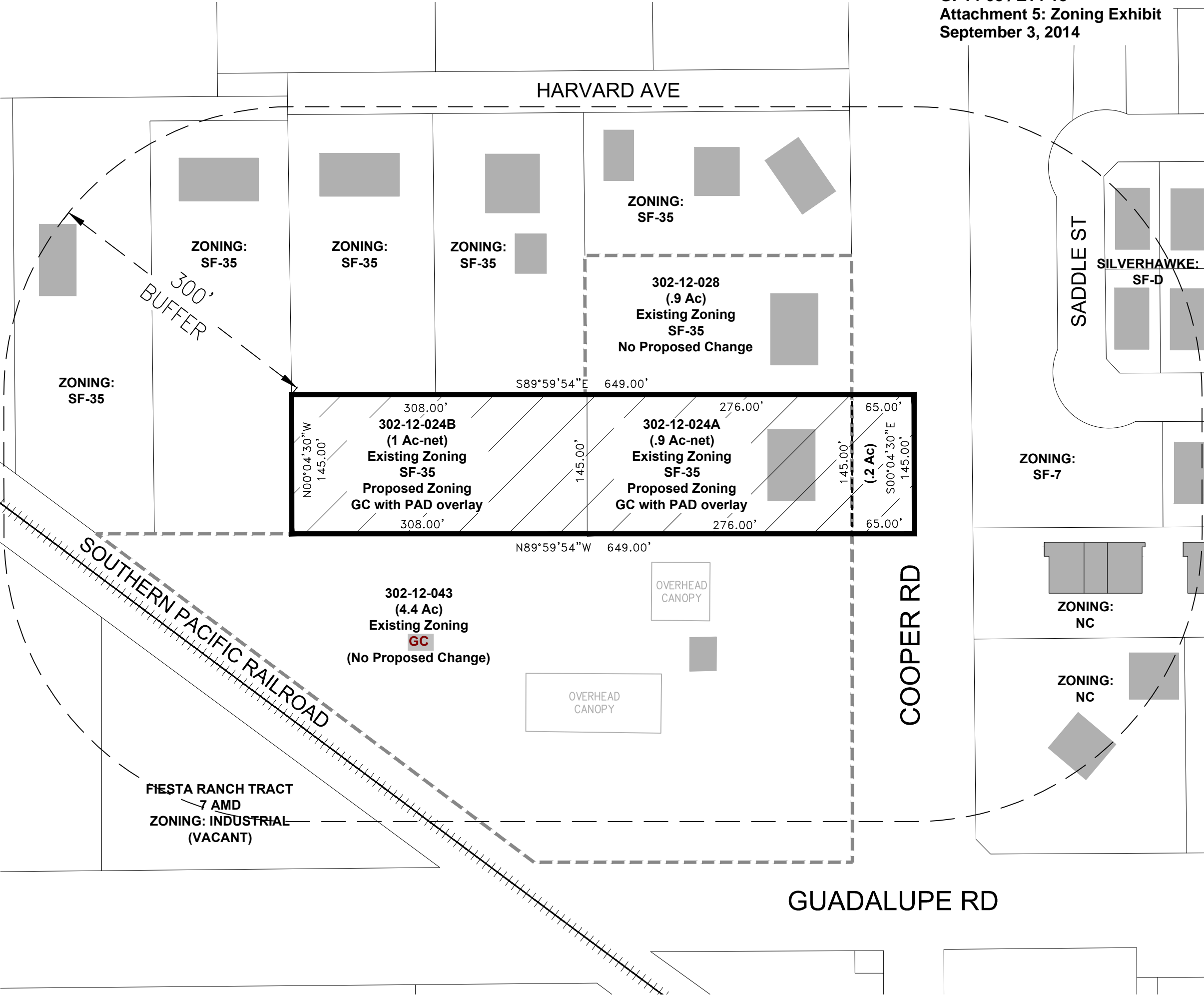
Notes

1. There are no public streets within the net parcel.
2. This exhibit is conceptual and subject to change through the design and development process.

July 22, 2014
Project Number: 1466
Project Manager: T. Bonar, AICP
Designed By: HW
Graphics By:
Drawn By: DD

HILGARTWILSON
2141 E. HIGHLAND AVE., STE. 250
PHOENIX, AZ 85016
P: 602.490.0535 / F: 602.368.2436

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JUL 22, 2014 2:24pm
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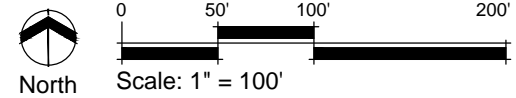


WHITFILL
NURSERY

Gilbert, Arizona
PLANNED AREA DEVELOPMENT

DEVELOPMENT PLAN

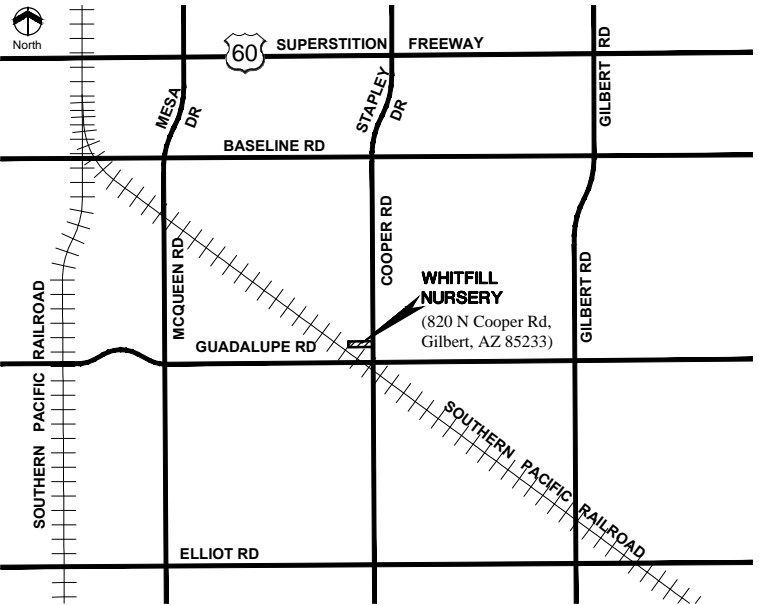
Figure 3



| Legend | |
|--------|--|
| | PAD Boundary - 2.2 Ac (Gross) |
| | Ownership Boundary within PAD Boundary - 2 Ac (Net) |
| | Area of Amendment - (2.2 Ac) |
| | Whitfill Nursery Ownership Boundary (Including PAD area and parcels not included in PAD for reference) |
| | Existing Structure |
| | Ingress/Egress Access |

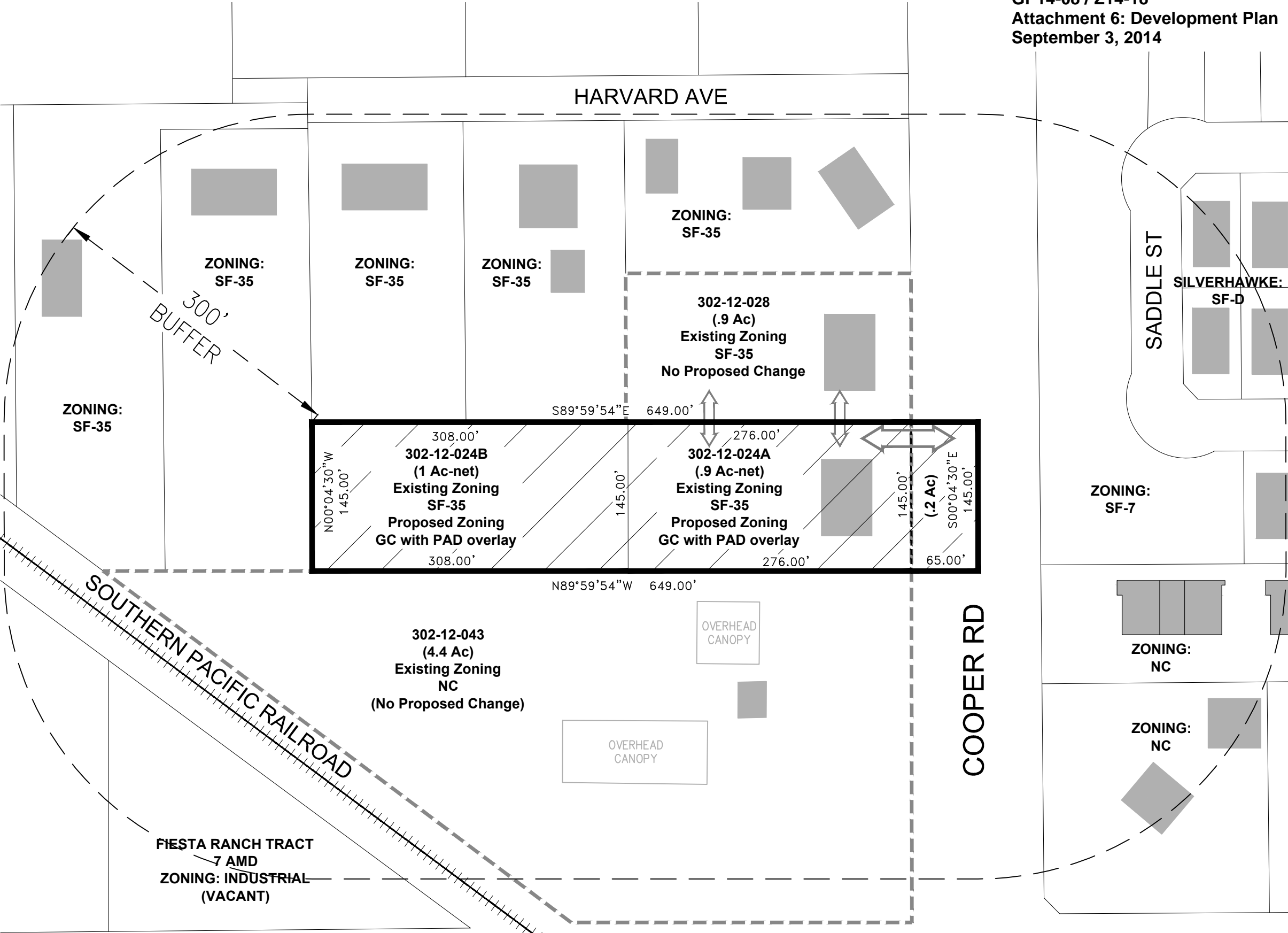
Vicinity Map

Not to Scale



Notes

1. There are no public streets within the net parcel.
2. This exhibit is conceptual and subject to change through the design and development process.



- Development Standards per Town of Gilbert Land Development Code except for as modified below:
1. Removal of the minimum side setback adjacent to the GC zoned parcel.
 2. Removal of the landscape setback along the back and side of the property adjacent to the large-lot residential properties.
 3. Removal of the regulation to conduct commercial activity within an enclosed building adjacent to the residential properties.
 4. Location and expansion of two driveways within the northern boundary.
 5. Modification of the separation fence adjacent to the large-lot residential properties.